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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,260	11/18/2003	Vitaliano Russo	7202-48	6498
30448	7590	09/25/2006	EXAMINER	
AKERMAN SENTERFITT P.O. BOX 3188 WEST PALM BEACH, FL 33402-3188			FERGUSON, MICHAEL P	
			ART UNIT	PAPER NUMBER

3679

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,260

Applicant(s)

RUSSO, VITALIANO

Examiner

Michael P. Ferguson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 5-8, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5 and 8 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 12 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1,2,5-8,12 and 13 are objected to because of the following informalities:

Claim 1 (line 3) recites "given crossover area". It should recite given crossover area, --said ropes having the same rope diameter--.

Claim 1 (line 5) recites "a first U element and a second U element". It should recite --a first U-shaped element having a curved base and a second U-shaped element having a curved base--.

Claim 1 (line 6) recites "each with the same". It should recite --each U-shaped element with the same--.

Claim 1 (line 8) recites "first U element... second U element". It should recite --first U-shaped element... second U-shaped element--.

Claim 1 (line 15) recites "the curved bases". It should recite --the curved base of each U-shaped element--.

Claim 2 (line 1) recites "net of the type comprising". It should recite --net comprising--.

Claim 2 (line 2) recites "ropes together". It should recite --ropes together, said ropes having the same rope diameter--.

Claim 2 (line 4) recites "a first U element and a second U element". It should recite --a first U-shaped element having a curved base and wings and a second U-shaped element having a curved base and wings--.

Claim 2 (line 5) recites "with equally oriented". It should recite --each U-shaped element with equally oriented--.

Claim 2 (lines 7-8) recites "first U element... second U element". It should recite --first U-shaped element... second U-shaped element--.

Claim 2 (line 11) recites "first and second U elements... first and second U elements". It should recite --first and second U-shaped elements... first and second U-shaped elements--.

Claim 2 (line 15) recites "first U element and the second U element". It should recite --first U-shaped element and the second U-shaped element--.

Claim 2 (line 17) recites "the curved bases of the first and second U elements". It should recite --the curved base of each of the first and second U-shaped elements--.

Claim 5 (lines 2-3) recites "first U element... second U element". It should recite --first U-shaped element... second U-shaped element--.

Claim 6 (line 2) recites "comprise two nuts screwing on... said U elements". It should recite --comprises two nuts screwed on... said U-shaped elements--.

Claim 7 (line 2) recites "comprise two heads". It should recite --comprises two heads--.

Claim 7 (line 3) recites "said U elements". It should recite --said U-shaped elements--.

Claim 8 (line 2) recites "retaining net". It should recite --retaining net, said ropes having the same rope diameter--.

Claim 8 (line 3) recites "a first U element and a second U element". It should recite --a first U-shaped element having a curved base and wings and a second U-shaped element having a curved base and wings--.

Claim 8 (lines 7-8) recites "first U element... second U element... the U elements". It should recite --first U-shaped element... second U-shaped element... the U-shaped elements--.

Claim 8 (line 11) recites "first and second U elements... first and second U elements". It should recite --first and second U-shaped elements... first and second U-shaped elements--.

Claim 8 (line 14) recites "first U element and the second U element". It should recite --first U-shaped element and the second U-shaped element--.

Claim 8 (line 16) recites "the curved bases of the first and second U elements". It should recite --the curved base of each of the first and second U-shaped elements--.

Claim 12 (line 2) recites "comprise two nuts screwing on... said U elements". It should recite --comprises two nuts screwed on... said U-shaped elements--.

Claim 13 (line 2) recites "comprise two heads". It should recite --comprises two heads--.

Claim 13 (line 3) recites "said U elements". It should recite --said U-shaped elements--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2,5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Wood (US 806,721).

As to claim 1, Wood discloses a method for making retaining net knots wherein a knot comprises a first and a second rope crossing over each other and a junction binding the ropes in a given crossover area, the ropes having the same rope diameter, the method comprising the steps of:

placing a first U-shaped element **X** (Figure 2 reprinted below with annotations) having a curved base and a second U-shaped element **X** having a curved base positioned side-by-side astride the first rope, each U-shaped element with the same orientation at a distance from one another approximately equal to the rope diameter so that they lie close to the second rope on opposite sides thereof;

linking the ends of the first U-shaped element to the ends of the second U-shaped element by means of a bridge element **Y** overlying the second rope, and

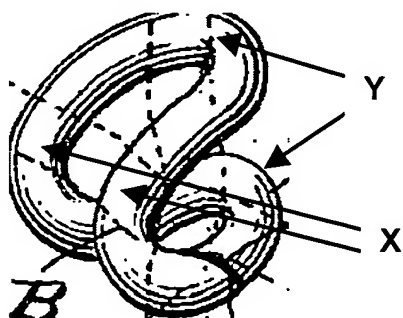
clamping the bridge element on the second rope;

wherein, during the clamping step, the ropes press each other at the crossover area, because of the displacement of contacting rope strands, reducing the overall thickness of the first and second ropes pressed together to 1 to 4/3 of the rope diameter

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in such a way that the ropes are forced to lie substantially in the same plane at each knot of the net, and

wherein the curvature of the curved base of each U-shaped element is semicircular, with an intrados radius of approximately one half the rope diameter (Figures 1-4).



As to claim 2, Wood discloses a knot of a retaining net comprising a first and a second rope crossing over each other and a junction for binding the ropes together, the ropes having the same rope diameter, wherein the junction comprises:

a first U-shaped element X having a curved base and wings and a second U-shaped element X having a curved base and wings positioned side-by-side astride the first rope, each U-shaped element with equally oriented wings at a distance from one another approximately equal to the rope diameter so that they lie close to the second rope on opposite sides thereof;

a bridge element Y linking the ends of the wings of the first U-shaped element to the adjacent ends of the wings of the second U-shaped element, and overlying the second rope; and

clamping means (surface Y) for clamping the bridge element on the second rope;

wherein the bridge element comprises an arch **Y** which merges with the adjacent ends of the first and second U-shaped elements and is integral with the first and second U-shaped elements to form a unique piece, and

wherein the unique piece has a given distance measured between a tangent line at an intrados of an arch of the bridge element and the plane defined by tangent lines at the intrados of curved bases of the first U-shaped element and the second U-shaped element, and

wherein the give distance is between 1 and $4/3$ of the rope diameter, and

wherein the curvature of the curved base of each of the first and second U-shaped elements is semi circular, with an intrados radius of approximately one half of the rope diameter (Figures 1-4).

As to claim 5, Wood discloses a method wherein the bridge element **Y** comprises a yoke **Y** linking an end of a wing of the first U-shaped element **X** to an adjacent end of a wing of the second U-shaped element **X** (Figure 2).

As to claim 8, Wood discloses a junction for binding two ropes together in a knot of a retaining net, the ropes having the same rope diameter, the junction comprising:

a first U-shaped element **X** having a curved base and wings and a second U-shaped elements **X** having a curved base and wings, positioned side-by-side and equally oriented, at a distance from one another approximately equal to the rope diameter;

a bridge element **Y** linking the ends of the first U-shaped element to the adjacent ends of the second U-shaped element, used to close the U-shaped elements, and

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clamping means (surface Y) of the bridge element,
wherein the bridge element comprises an arch which merges with the adjacent ends of the first and second U-shaped elements and is integral with the first and second U-shaped elements to form a unique piece,

wherein the unique piece has a given distance measured between a tangent line at an intrados of an arch of the bridge element and the place defined by tangent lines at the intrados of curved bases of the first U-shaped element and the second U-shaped element, and

wherein the given distance is capable of being between 1 and $4/3$ of the rope diameter, and

wherein the curvature of the curved base of each of the first and second U-shaped elements is semi circular, with an intrados radius of approximately one half of the rope diameter (Figures 1-4).

Allowable Subject Matter

4. Claims 6,7,12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 6 and 12, Wood discloses the claimed junction with the exception of wherein the clamping means comprise two nuts screwed on the ends of two wings of the U-shaped elements

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As to claims 7 and 13, Wood discloses the claimed junction with the exception of wherein clamping means comprise two heads formed through riveting, the heads corresponding to the ends of two wings of the U-shaped elements.

There is no teaching or suggestion, absent the applicant's own disclosure, for one having ordinary skill in the art at the time the invention was made to modify a junction as disclosed by Wood to have the above mentioned elemental features.

Response to Arguments

5. Applicant's arguments, filed July 10, 2006, with respect to the rejection(s) of claim(s) 1,2,5,6,8 and 12 under 35 USC 102, and claims 7 and 13 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Wood (US 806,721).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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